

April 19, 1995

HEALTH AND HUMAN SERVICES — C.S.S.B. 1302, S.B. 545, S.B. 658, S.B. 1161, S.B. 1059, S.B. 1162 (Amended), C.S.S.B. 269, C.S.S.B. 1301, C.S.S.B. 657, C.S.S.B. 659, C.S.S.B. 760, C.S.S.B. 434, C.S.S.B. 1291

April 20, 1995

NATURAL RESOURCES — C.S.S.B. 1601

ADMINISTRATION — S.C.R. 92, S.C.R. 53, S.C.R. 52, S.C.R. 93

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 631

HEALTH AND HUMAN SERVICES — C.S.S.B. 406

FINANCE — S.B. 625, S.B. 1654, S.J.R. 36, S.J.R. 51, S.B. 1260 (Amended), S.B. 1604 (Amended)

NATURAL RESOURCES — H.B. 722, H.B. 1318, S.B. 1375 (Amended), C.S.S.B. 1317, C.S.S.B. 1591

ECONOMIC DEVELOPMENT — S.B. 1617 (Amended), C.S.S.B. 553, C.S.S.B. 598, C.S.S.B. 1185, C.S.S.B. 597, C.S.S.B. 827

CRIMINAL JUSTICE — C.S.H.B. 327

NATURAL RESOURCES — C.S.S.B. 372

SIGNED BY GOVERNOR

(April 20, 1995)

S.B. 25 (Effective September 1, 1995)

H.B. 655 (Effective immediately)

H.B. 1527 (Effective immediately)

FIFTY-FIFTH DAY
(Friday, April 21, 1995)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Cain, Sims, Truan.

A quorum was announced present.

Senate Doorkeeper James Morris offered the invocation as follows:

Heavenly Father, source of our being and our strength, we assemble blessed with a new day that will provide opportunities of service. For this day, the activities, and the celebration, we give You thanks. May this session begin this morning on a note of optimism and a desire to move our state forward. Provide to each Member perseverance for each duty and grant that thoughtful reasoning will prevail as legislation is worked through debate and compromise.

Especially this morning, we thank You for the return of Senator Sims and pray that his healing will continue as he serves our state. Give Your blessing to all who serve here today. In Jesus' name we pray. Amen.

On motion of Senator Barrientos and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Leedom, Senator Cain was granted leave of absence for today on account of important business.

On motion of Senator Brown, Senator Sims was granted leave of absence for today on account of important business.

On motion of Senator Barrientos, Senator Truan was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 194

On motion of Senator Barrientos and by unanimous consent, Senator West will be shown as Co-author of **S.B. 194**.

CO-AUTHOR OF SENATE BILL 596

On motion of Senator Ellis and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 596**.

CO-AUTHOR OF SENATE BILL 1337

On motion of Senator Moncrief and by unanimous consent, Senator West will be shown as Co-author of **S.B. 1337**.

CO-AUTHOR OF SENATE BILL 1485

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 1485**.

MESSAGE FROM THE HOUSE

House Chamber
April 21, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 68, Relating to the reckless discharge of a firearm; creating an offense and providing criminal penalties and civil remedies. (As substituted and amended)

S.B. 114, Relating to exempting certain veterans of the armed forces, the surviving children of certain members of the armed forces, and other persons with military-related service from tuition, fees, and charges at public institutions of higher education. (As amended)

S.B. 260, Relating to a municipal drainage utility system. (As amended)

S.B. 371, Relating to the continuation and functions of the Texas Food and Fibers Commission.

S.B. 482, Relating to the creation, powers, and duties of the Texas Volunteer Health Corps. (As amended)

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 128**. The House conferees are: Representatives Greenberg, Chair; Danburg, Thompson, Nixon, and Pitts.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 360**. The House conferees are: Representatives Telford, Chair; Black, Chisum, Gray, and B. Hunter.

The House has concurred in Senate amendments to **H.B. 721** by a record vote of 106 Ayes, 25 Nays, 2 Present-not voting.

H.B. 437, Relating to the creation of municipal courts of record in Burleson.

H.B. 438, Relating to the creation of municipal courts of record in Mansfield.

H.B. 676, Relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production.

H.B. 682, Relating to the regulation of certain animal control officers; providing a penalty.

H.B. 1136, Relating to the appointment of guardians of minors and certain incapacitated persons by will or written declaration.

H.B. 1145, Relating to provisional certification of certain emergency medical personnel.

H.B. 1226, Relating to the regulation of liquefied petroleum gas.

H.B. 1242, Relating to the creation of municipal courts of record in Crowley.

H.B. 1381, Relating to the election of the members of the board of directors of the Van Zandt County Waste Disposal District.

H.B. 1407, Relating to applications for oil and gas permits and revocation of permits, certificates of compliance, and organization reports filed with the Railroad Commission of Texas.

H.B. 1408, Relating to purchasing, storing, or transporting certain drugs to be administered to a home health or hospice patient.

H.B. 1503, Relating to participation in, administration of, and benefits from certain municipal retirement systems.

H.B. 1504, Relating to the funding and operation of the program to aid certain impaired pharmacists and pharmacy students.

H.B. 1505, Relating to the authority of the Texas State Board of Pharmacy to inspect certain facilities and to file a complaint resulting from the inspection.

H.B. 1506, Relating to the authority of the Texas State Board of Pharmacy to impose administrative penalties.

H.B. 1659, Relating to the Texas Board of Mental Health and Mental Retardation.

H.B. 1695, Relating to authorizing the Texas Youth Commission to perform fire protection, fire prevention, and fire suppression activities at or near commission facilities.

H.B. 1698, Relating to requiring a health and human services agency to inform certain clients or patients of community-based service options.

H.B. 1757, Relating to municipal regulation of certain agricultural operations, including facilities that breed animals and fowl.

H.B. 1818, Relating to the terms of the board of managers of the Nueces County Hospital District.

H.B. 1991, Relating to the historically underutilized business and small business linked deposit program.

H.B. 2008, Relating to credit in the Texas County and District Retirement System for service as a prosecuting attorney.

H.B. 2020, Relating to the salary of a judge of a county court at law in Potter County.

H.B. 2093, Relating to applications for emergency detention of certain persons at risk of harming themselves or others because of the effects of mental illness or substance abuse.

H.B. 2094, Relating to voluntary inpatient mental health services for certain persons.

H.B. 2355, Relating to the shipment of alcoholic beverages.

H.B. 2527, Relating to the regulation of foreign credit unions.

H.B. 2529, Relating to the conservation of credit unions.

H.B. 2725, Relating to the reimbursement to Wichita County for use of its criminal district attorneys office and prosecutors for prosecuting out-of-county mental health matters.

H.B. 3122, Relating to a university-sponsored debit card program at Texas A&M University.

H.B. 3134, Relating to the operation of the Hutchinson County Hospital District.

H.B. 3166, Relating to contracts between the Midland County Hospital District and a state agency or medical school.

H.B. 40, Relating to the requirement of DNA analysis of certain inmates and to the creation of a DNA database; providing penalties.

H.B. 347, Relating to insurance coverage for certain real property foundations.

H.B. 436, Relating to the creation of municipal courts of record in Kennedale.

H.B. 877, Relating to the enforcement of tariffs of certain water supply or sewer service corporations.

H.B. 1405, Relating to facility response plans for hazardous liquids pipelines.

H.B. 1593, Relating to payment for the proceeds of oil or gas production.

H.B. 1876, Relating to the regulation and control of sanitary sewer overflows.

H.B. 2066, Relating to enrollment in courses and programs at the University of Houston-Clear Lake and the University of Houston-Victoria.

H.B. 2811, Relating to group hospital and medical services fees and services at component institutions of The Texas A&M University System.

H.B. 120, Relating to the imposition of a fee on a defendant who requests participation in a teen court program.

H.B. 155, Relating to the abolishment of the State Banking Board and the transfer of the duties of the State Banking Board to the Banking Commissioner.

H.B. 247, Relating to the number and cost of sets of various types of armed forces license plates that may be issued to a person.

H.B. 280, Relating to limiting the liability of certain persons for certain activity of an equine animal.

H.B. 420, Relating to the admission standards, tuition, fees, and governing boards of general academic teaching institutions and university systems and to testing and remedial education by general academic teaching institutions and university systems.

H.B. 773, Relating to motor vehicle liability insurance premium discounts and dismissal of certain citations for completion of a driving safety course; providing a penalty.

H.B. 1200, Relating to the regulation of medical radiologic technologists and other persons who perform radiologic procedures; providing civil and criminal penalties.

H.B. 1227, Relating to repossession of a motor vehicle for repair charges.

H.B. 1295, Relating to the regulation of certain securities.

H.B. 1338, Relating to testing and remedial education of a student enrolled in a certificate program.

H.B. 1507, Relating to the authority of the Texas State Board of Pharmacy to authorize certain pilot or demonstration projects.

H.B. 1587, Relating to the powers and duties of the Texas Public Finance Authority and to the issuance of bonds for certain state projects; granting the power of eminent domain; validating a prior appropriation.

H.B. 2015, Relating to statutory changes to obtain delegation to Texas of the National Pollutant Discharge Elimination System.

H.B. 2168, Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

H.B. 2341, Relating to research for the control of fire ants.

H.B. 3116, Relating to an exemption from annual registration fees for retired physicians performing voluntary charity care.

H.B. 330, Relating to the payment of certain fees and court costs by a person who successfully completes a teen court program.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

On motion of Senator Barrientos and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 21

S.B. 1668

S.B. 1669

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 21 by Armbrister State Affairs
Relating to the State Cemetery.

S.B. 1668 by Montford Education
Relating to review by school districts of the criminal history of applicants for employment and school bus drivers.

S.B. 1669 by Lucio Economic Development
Relating to review of the termination of certain insurance agents.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

H.B. 2128 to Committee on Economic Development.

SENATE RESOLUTION 760

Senator Madla offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 74th Legislature, Regular Session, 1995, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **S.B. 821** to consider and take action on the following matters:

(1) Senate Rule 12.03(1) is suspended to permit the committee to amend text in Section 325.061(a), Tax Code, to read as follows:

The commissioners court may call an election on its own motion or shall call an election if a number of qualified voters of the county equal to at least five percent of the number of registered voters in the county petition the commissioners court to call the election.

Explanation: This change is necessary to clarify the authority of the commissioners court to call an election under its own authority.

(2) Senate Rule 12.03(3) is suspended to permit the committee to add text in Section 325.061(a), Tax Code, to read as follows:

An election under this chapter must be held on the next uniform election day not less than 10 days after the day on which the order calling the election was passed.

Explanation: This change is necessary to expedite the calling of an election by the commissioners court.

(3) Senate Rule 12.03(3) is suspended to permit the committee to add text in Section 325.061, Tax Code, to read as follows:

(d) The commissioners court shall modify regular election procedures as necessary to hold an election on a day permitted under Subsection (a).

Explanation: This change is necessary to expedite the calling of an election by the commissioners court.

The resolution was read and was adopted by a viva voce vote.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 21, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE PRESIDING JUDGE OF THE FIRST ADMINISTRATIVE JUDICIAL REGION, for a term to expire four years from date of qualification:

THE HONORABLE PAT McDOWELL

3824 Greenbrier

Dallas, Texas 75225

Judge McDowell will be replacing Judge James B. Zimmerman of Dallas, who was not confirmed by the Senate.

TO BE JUDGE OF THE 233RD JUDICIAL DISTRICT COURT, TARRANT COUNTY, until the next General Election and until his successor shall be duly elected and qualified:

WILLIAM W. HARRIS

106 East Alexander Lane

Euless, Texas 76040

Mr. Harris will be replacing Judge William H. Brigham of Hurst, who was elevated to the position of Justice of the Second Court of Appeals.

Respectfully submitted,

/s/George W. Bush

Governor of Texas

MESSAGE FROM THE ATTORNEY GENERAL

The following Message from the Attorney General was read and was referred to the Committee on Nominations:

Office of the Attorney General
State of Texas

January 6, 1994

The Honorable Bob Bullock
Lieutenant Governor of Texas
One Capitol Square, Suite 200
Austin, Texas

Dear Governor Bullock and Members of the Senate:

I am hereby requesting the advice and consent of the Texas Senate regarding the appointment of Bill Warnick to the School Land Board.

Thank you for your consideration of this matter. Please let me know if I can be of further assistance.

Sincerely,

/s/Dan Morales
Attorney General

CAPITOL PHYSICIAN

Senator Patterson was recognized and presented Dr. Stephen Spann of Galveston as the "Doctor for the Day."

The Senate welcomed Dr. Spann and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

CONCLUSION OF MORNING CALL

The President at 9:14 a.m. announced the conclusion of morning call.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Wentworth requested that the following nominee be severed:

To be a Member of the TEXAS WORKERS' COMPENSATION COMMISSION: O. D. Kenemore, Brazoria County.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

Members, The Finance Commission of Texas: KAY GLOVER, Travis County; ALFRED "CHIP" JOHNSON, Collin County.

Members, Texas Southern University Board of Regents: ENOS M. CABELL, JR., Fort Bend County; ANTHONY D. LYONS, Tarrant County; DR. GENE A. MOORE, SR., Harris County; PRESTON MOORE, JR., Harris County; OLIVER C. SUTTON II, Bexar County; ROSIE ZAMORA-COPE, Harris County.

Members, Texas Youth Commission: JOHN W. ODAM, JR., Harris County; EDNA TAMAYO, Cameron County.

Members, Commission on Law Enforcement Officer Standards and Education: CHIEF FELIPE E. GARZA, Kleberg County; HORACE L. O'NEAL, Lubbock County; SALLY ANN WERST, Tarrant County.

Members, Texas Board of Occupational Therapy Examiners: M. JUDITH LUSTED, Bexar County; BENNY O. McGEHEE, El Paso County; MARY HURTADO WILSON, Travis County.

Members, Texas Council on Offenders with Mental Impairments: DR. MICHAEL R. ARAMBULA, Bexar County; DOLLIE BRATHWAITE, Harris County; CAROL OELLER, Harris County.

Pecos River Compact Commissioner for Texas: BRAD LEE NEWTON, Pecos County.

Members, Petroleum Storage Tank Advisory Committee: GAIL KATHLEEN DAVIDGE, Tarrant County; SUZANNE HILL, Tarrant County; MARIE V. KLECK, Bexar County; DR. CARLOS M. MARIN, Cameron County; DONALD J. NAJVAR, Harris County; JERRY L. SUSSER, Nueces County.

Presiding Judge of the Sixth Administrative Judicial Region: JUDGE STEPHEN B. ABLES, Kerr County.

Members, Texas Rehabilitation Commission: MATTHEW T. DOYLE, Galveston County; JERRY KANE, Nueces County.

Member, Council on Sex Offender Treatment: DAVID L. CORY, Taylor County.

Members, Upper Colorado River Authority Board of Directors: C. SKEETE FOSTER, Sterling County; CARROL E. HILL, Tom Green County; SIDNEY J. LONG, Coke County; NORMAN D. LUBKE, Tom Green County.

NOMINEE CONFIRMED

Senator Bivins moved that the following nominee be confirmed:

Member, Texas Workers' Compensation Commission: O. D. KENEMORE, Brazoria County.

The nominee was confirmed by the following vote: Yeas 24, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Ellis, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Turner, West, Zaffirini.

Nays: Leedom, Wentworth.

Absent: Gallegos, Whitmire.

Absent-excused: Cain, Sims, Truan.

SENATE BILL 228 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 228, Relating to trial by jury in the adjudication of certain children.

The bill was read second time.

On motion of Senator Patterson and by unanimous consent, **S.B. 228** was withdrawn from consideration.

(Senator Ellis in Chair)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 46 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 46, Proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an owelty of partition and the refinance of a lien against a homestead.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 46 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 46** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 194 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 194, Relating to the operation and expansion of the Communities in Schools program.

The bill was read second time.

Senator Luna offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 194** as follows:

In SECTION 2 of the bill, proposed Section 16.152(p), Education Code, committee printing page 1, line 59, strike "\$15.6" and substitute "\$16.3".

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

(President in Chair)

SENATE BILL 342 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 342, Relating to the offense of unauthorized absence from a community corrections facility, county correctional center, or correctional assignment site.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 342 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 342** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate her son Carlos and a group of fellow students, accompanied by their teachers, from St. Augustine School in Laredo.

The Senate welcomed its guests.

SENATE BILL 1511 ON SECOND READING

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1511, Relating to the acceptance of gifts by state agencies.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1511 ON THIRD READING

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1511** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE

SENATE BILL 1196 ON SECOND READING

On motion of Senator Lucio, on behalf of Senator Sims, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1196, Relating to the boll weevil eradication program.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1196** as follows:

(1) In SECTION 1 of the bill, strike proposed Section 74.102(9), Agriculture Code (committee report, page 1, lines 22-27), and substitute the following:

(9) "High Plains Boll Weevil Suppression Program Area" includes Bailey, Borden, Briscoe, Castro, Cochran, Crosby, Dawson, Deaf Smith, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Howard, Lamb, Lubbock, Lynn, Martin, Midland, Motley, Parmer, Swisher, Terry, and Yoakum counties. The High Plains Boll Weevil Suppression Program Area may also include other counties or parts of counties if areas are added to the High Plains Boll Weevil Suppression Area as provided under this subchapter.

(2) Strike SECTION 2 of the bill (committee report, page 1, lines 32-39) and substitute the following:

SECTION 2. Section 74.107(a), Agriculture Code, is amended to read as follows:

(a) The High Plains Boll Weevil Suppression Program Area and the St. Lawrence Cotton Growers Boll Weevil Control Zone are separate zones for the purposes of boll weevil eradication; however, an area in the St. Lawrence Cotton Growers Boll Weevil Control Zone may be assigned to another zone as provided by this subchapter ~~[and may not be combined with another area in an eradication zone under this subchapter].~~

(3) At the end of SECTION 3 of the bill (committee report, page 2, line 13) add a new Subsection (d) to Section 74.108, Agriculture Code, to read as follows:

(d) The board may not reduce the area of the High Plains Boll Weevil Suppression Program Area.

(4) Strike SECTION 6 of the bill (committee report, page 2, lines 59-67) and substitute the following:

SECTION 6. Section 74.113(f), Agriculture Code, is amended to read as follows:

(f) An assessment levied on cotton growers in an eradication zone may be applied only to:

(1) eradication in that zone;

(2) the foundation's operating costs, including payments on debt incurred for a foundation activity, except that the funds of one zone may not be used to pay another zone's bank loans; and

(3) the conducting of other programs consistent with the declaration of policy stated in Section 74.101 of this code.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1196 ON THIRD READING**

Senator Lucio, on behalf of Senator Sims, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1196 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1485 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1485, Relating to the child fatality review team committee and child fatality review teams.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1485 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1485 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

The bill was read third time and was passed by a viva voce vote.

CONFIRMATION VOTE RECONSIDERED

On motion of Senator Montford and by unanimous consent, the vote by which the following nominee was confirmed was reconsidered:

Member, Commission on Law Enforcement Officer Standards and Education: HORACE L. O'NEAL, Lubbock County.

Question—Shall the nominee be confirmed?

**MOTION TO PLACE
SENATE BILL 1101 ON SECOND READING**

Senator Henderson moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1101, Relating to injunctive proceedings by the Attorney General against persons engaged in the insurance business.

The motion was lost by the following vote: Yeas 18, Nays 10. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brown, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Nelson, Nixon, Patterson, Shapiro, Sibley, Turner, Wentworth.

Nays: Ellis, Luna, Madla, Moncrief, Montford, Ratliff, Rosson, West, Whitmire, Zaffirini.

Absent-excused: Cain, Sims, Truan.

GUESTS PRESENTED

The President introduced to the the Senate former Governor of Texas, Preston Smith.

The Senate welcomed Governor Smith.

The President then introduced to the Senate his brother and sister-in-law, Tom and Jane Bullock.

The Senate welcomed Mr. and Mrs. Bullock.

(Senator Patterson in Chair)

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1606 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1606, Relating to the creation, administration, powers, duties, operation, and financing of the Travis County Municipal Utility District No. 3, Travis County Municipal Utility District No. 4, Travis County Municipal Utility District No. 5, Travis County Municipal Utility District No. 6, Travis County Municipal Utility District No. 7, Travis County Municipal Utility District No. 8, and Travis County Municipal Utility District No. 9.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1606** as follows:

(1) On page 30, line 21, strike Subsection 12 of Section 1 of the bill and substitute the following paragraph:

"SUBSECTION 12. ANNEXATION. The district may be annexed by a municipality only after:

(a) the installation of 90 percent of all works, improvements, facilities, plants, equipment and appliances necessary and adequate to:

(i) provide service to the proposed development within the district;

(ii) accomplish the purposes for which the district was created; and

(iii) exercise the powers provided by the general law of this state and this Act; or

(b) the expiration of 20 years from the date the district was confirmed, whichever occurs first."

(2) On page 52, line 21, strike Subsection 12 of Section 2 of the bill and substitute the following paragraph:

"SUBSECTION 12. ANNEXATION. The district may be annexed by a municipality only after:

(a) the installation of 90 percent of all works, improvements, facilities, plants, equipment and appliances necessary and adequate to:

(i) provide service to the proposed development within the district;

(ii) accomplish the purposes for which the district was created; and

(iii) exercise the powers provided by the general law of this state and this Act; or

(b) the expiration of 20 years from the date the district was confirmed, whichever occurs first."

(3) On page 65, line 26, strike Subsection 12 of Section 3 of the bill and substitute the following paragraph:

"SUBSECTION 12. ANNEXATION. The district may be annexed by a municipality only after:

(a) the installation of 90 percent of all works, improvements, facilities, plants, equipment and appliances necessary and adequate to:

(i) provide service to the proposed development within the district;

(ii) accomplish the purposes for which the district was created; and

(iii) exercise the powers provided by the general law of this state and this Act; or

(b) the expiration of 20 years from the date the district was confirmed, whichever occurs first."

(4) On page 77, line 12, strike Subsection 12 of Section 4 of the bill and substitute the following paragraph:

"SUBSECTION 12. ANNEXATION. The district may be annexed by a municipality only after:

(a) the installation of 90 percent of all works, improvements, facilities, plants, equipment and appliances necessary and adequate to:

(i) provide service to the proposed development within the district;

(ii) accomplish the purposes for which the district was created; and

(iii) exercise the powers provided by the general law of this state and this Act; or

(b) the expiration of 20 years from the date the district was confirmed, whichever occurs first."

(5) On page 84, line 17, strike Subsection 12 of Section 5 of the bill and substitute the following paragraph:

"SUBSECTION 12. ANNEXATION. The district may be annexed by a municipality only after:

(a) the installation of 90 percent of all works, improvements, facilities, plants, equipment and appliances necessary and adequate to:

(i) provide service to the proposed development within the district;

(ii) accomplish the purposes for which the district was created; and

(iii) exercise the powers provided by the general law of this state and this Act; or

(b) the expiration of 20 years from the date the district was confirmed, whichever occurs first."

(6) On page 94, line 5, strike Subsection 12 of Section 6 of the bill and substitute the following paragraph:

"SUBSECTION 12. ANNEXATION. The district may be annexed by a municipality only after:

(a) the installation of 90 percent of all works, improvements, facilities, plants, equipment and appliances necessary and adequate to:

(i) provide service to the proposed development within the district;

(ii) accomplish the purposes for which the district was created; and

(iii) exercise the powers provided by the general law of this state and this Act; or

(b) the expiration of 20 years from the date the district was confirmed, whichever occurs first."

(7) On page 104, line 8, strike Subsection 12 of Section 7 of the bill and substitute the following paragraph:

"SUBSECTION 12. ANNEXATION. The district may be annexed by a municipality only after:

(a) the installation of 90 percent of all works, improvements, facilities, plants, equipment and appliances necessary and adequate to:

(i) provide service to the proposed development within the district;

(ii) accomplish the purposes for which the district was created; and

(iii) exercise the powers provided by the general law of this state and this Act; or

(b) the expiration of 20 years from the date the district was confirmed, whichever occurs first."

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1606 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1606 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2.

Yeas: Armbrister, Bivins, Brown, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Zaffirini.

Absent-excused: Cain, Sims, Truan.

**COMMITTEE SUBSTITUTE
SENATE BILL 194 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 194 be placed on its third reading and final passage.

C.S.S.B. 194, Relating to the operation and expansion of the Communities in Schools program.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Sims, Truan.

The bill was read third time and was passed by a viva voce vote.

(Senator Armbrister in Chair)

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

H.B. 731
H.B. 1219
H.C.R. 146
H.C.R. 167

MOTION TO ADJOURN

On motion of Senator Leedom and by unanimous consent, the Senate at 10:33 a.m. agreed to adjourn until 9:00 a.m. Monday, April 24, 1995, upon receipt of messages from the House.

MESSAGE FROM THE HOUSE

House Chamber
April 21, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 17, Relating to the State Conservatorship Board.

H.B. 2624, Relating to the appraisal and ad valorem taxation of certain types of personal property.

Respectfully,
Cynthia Gerhardt, Chief Clerk
House of Representatives

BILL SIGNED

The Presiding Officer announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read:

S.B. 17**MESSAGE FROM THE HOUSE**

House Chamber
April 21, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 959, Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 73rd Legislature to other Acts of that legislature. (As amended)

S.B. 958, Relating to the adoption of a nonsubstantive revision of statutes relating to state purchasing and general services, including conforming amendments, repealers, and penalties.

S.B. 971, Relating to the adoption of a nonsubstantive revision of statutes relating to transportation, including conforming amendments, repeals, and penalties. (As amended)

Respectfully,
Cynthia Gerhardt, Chief Clerk
House of Representatives

MEMORIAL RESOLUTIONS

S.R. 764 - By Luna: In memory of Emilio Kifuri, Jr., of San Antonio.

H.C.R. 169 - (Turner): In memory of Gus Mutscher, Sr., of Brenham.

CONGRATULATORY RESOLUTIONS

S.C.R. 126 - By Montford: Calling upon all Texans to support the Texas Military Forces Museum and Archives and its volunteers.

S.R. 762 - By Patterson: Congratulating the Galveston Chamber of Commerce on its 150th anniversary.

S.R. 763 - By Luna: Congratulating Cody Owen Tharp of San Antonio on achieving the rank of Eagle Scout.

S.R. 765 - By Cain: Congratulating Mr. and Mrs. W. O. Harrell of Edgewood on their 50th wedding anniversary.

S.R. 766 - By Sibley: Congratulating Higinio Ortiz on being selected as the Army and Air Force Exchange Service "Driver of the Year" for 1994.

S.R. 767 - By Barrientos: Commending the Campus Race for the Cure Organization in Austin.

S.R. 768 - By Barrientos, Wentworth: Congratulating the Westlake High School girls basketball team on winning the Class 5A state championship.

H.C.R. 156 - (Turner): Congratulating Mr. and Mrs. John T. Kubiak of Rockdale on their 59th wedding anniversary.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:46 a.m. adjourned until 9:00 a.m. Monday, April 24, 1995, in honor of the birthday of former Governor of Texas, Thomas Mitchell Campbell, April 22, 1856.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 20, 1995

HEALTH AND HUMAN SERVICES — C.S.S.B. 1487

April 21, 1995

STATE AFFAIRS — S.B. 1278 (Amended), S.B. 1391 (Amended), S.B. 1363 (Amended), C.S.S.B. 1295, C.S.S.B. 442, S.B. 813, H.B. 736, H.B. 1743, S.B. 915, S.B. 988, S.B. 1636, S.B. 1628, S.B. 1365 (Amended), H.B. 840 (Amended), C.S.S.B. 528, C.S.S.B. 828, C.S.S.B. 1262, C.S.S.B. 784, C.S.S.B. 1428

SENT TO GOVERNOR

(April 21, 1995)

S.B. 17